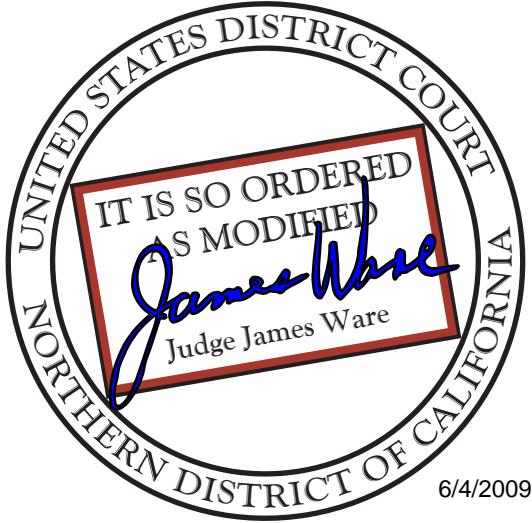


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11 Attorneys for Plaintiff Stacie Somers



6/4/2009

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

16 THE APPLE IPOD ITUNES ANTI-TRUST ) Case No. C 07-6507 JW  
LITIGATION, ) C 05-0037 JW  
17 This Document Relates To: ) STIPULATION AND [REDACTED] ORDER  
18 ) MODIFYING CLASS CERTIFICATION  
EVIDENTIARY HEARING AND HEARING  
SCHEDULE  
19 )  
20 ) JUDGE: The Honorable James Ware  
21 ) DATE: July 6, 2009  
TIME: 10:00 a.m.  
CTRM: 8, 4th Floor

1       1.     Whereas the Court specially set an evidentiary hearing and hearing on Plaintiff  
2 Stacie Somers' Motion for Class Certification for June 5, 2009 at 10:00 a.m.;

3       2.     Whereas the Court set this evidentiary hearing specifically on the issue of  
4 Plaintiff's expert's damages calculation methodology;

5       3.     Whereas Plaintiff's expert, Dr. Gary French, is unavailable on the scheduled date  
6 due to a previously scheduled medical leave;

7       4.     Whereas the parties have met and conferred and checked with the Court's  
8 calendar clerk for the next available hearing date in which all parties are available;

9 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among the  
10 parties, through their undersigned counsel, that good cause exists to move the evidentiary  
11 hearing and oral argument on Plaintiff's class certification motion to July 6, 2009 at 10:00 a.m.,  
12 or a date convenient for the Court.

13  
14 Dated: May 29, 2009     \_\_\_\_\_  
15                            s/Helen Zeldes  
16                            Helen Zeldes (220051)  
17                            ZELDES & HAEGGQUIST, LLP  
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22                            helenz@zhlaw.com  
23                            *Counsel for Plaintiff*

24  
25 Dated: May 29, 2009     \_\_\_\_\_  
26                            s/Craig Stewart  
27                            Craig Stewart  
28                            JONES DAY  
29                            555 California Street, 26<sup>th</sup> Floor  
30                            San Francisco, CA 94104  
31                            Telephone: (415) 626-3939  
32                            Facsimile: (415) 875-5700  
33                            *Counsel for Apple Inc.*

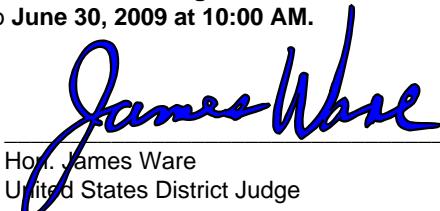
1 SO ORDERD AS MODIFIED:

2 **As to C 07-06507 JW Stacie Somers v. Apple, Inc.**: The Court continues the evidentiary hearing from June 5, 2009  
at 10:00 AM to June 30, 2009 at 9:00 AM.

3 **As to C 05-00037 JW "The Apple iPod iTunes Anti-Trust Litigation"**: The Court continues the Case Management  
4 Conference from June 5, 2009 at 11:00 AM to June 30, 2009 at 10:00 AM.

5 **Dated:** June 4, 2009

6 Hon. James Ware  
7 United States District Judge



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## CERTIFICATE OF SERVICE

I hereby certify that on May 29, 2009, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I have mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on May 29, 2009.

s/ Helen I. Zeldes

HELEN I. ZELDES

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## MAILING INFORMATION FOR CASE C 07-06507

### **Electronic Mail Notice List**

The following are those who are currently on the list to receive e-mail notices for this case.

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### **Manual Notice List**

The following is the list of attorneys who are not on the list to receive e-mail notices for this case (who therefore require manual noticing).

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**MAILING INFORMATION FOR A CASE 5:05-CV-00037-JW**

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1           **Manual Notice List**

2           The following is the list of attorneys who are not on the list to receive e-mail notices for this case  
3           (who therefore require manual noticing). You may wish to use your mouse to select and copy  
3           this list into your word processing program in order to create notices or labels for these  
recipients.

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